3M Automotive
Aftermarket Division

3M Center
St. Paul, MN 55144-1000
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April 28, 2010

Subject: Use of 3oz 3M™ PPS™ liners with respect to 40 CFR Part 63, Subpart HHHHHH (6H)

Dear Valued 3M Customer:

Thank you for your interest in our 3M™ PPS™, 3 oz Lid and Liner product. We have received your request for information regarding appropriate use of this product in regards to 40 CFR Part 63, Subpart 6H.

The 3M™ PPS™, 3 oz Lid and Liner product is designed to limit the deliverable capacity of sprayed material to 3 oz or less when used with a compatible 3M™ PPS™ cup and collar as part of a hand-held coating device. As such, coatings applied with this product are exempt from 40 CFR Part 63, Subpart 6H and its requirements for "spray applied coating operations," 40 CFR Part 63, Subpart 6H, Section 63.11180.

Section 63.11180's definition of "spray applied coating operations" states that such operations do not include coatings applied with a hand-held coating device with a cup size limited to 3 oz. or less (emphasis added):

> ***40 CFR Part 63, Subpart 6H***
> *§ 63.11180 What definitions do I need to know? (73 Fed. Reg. 1738, 1766 (Jan. 9, 2008))*
>
> *Spray-applied coating operations* means coatings that are applied using a hand-held device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of this subpart, **spray-applied coatings do not include the following materials or activities**:
>
> **(1) Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters)**…

3M Automotive Aftermarket Division designed this product for the purposes of assisting our customers with completing touch-up or spot repair activities. During our product development, we met with the EPA technical contact for 40 CFR Part 63—Subpart 6H, at the EPA Office of Air Quality Planning and Standards, to introduce the 3M™ PPS™ product line and discuss appropriate uses for our 3M™ PPS™ products in relation to this rule. In addition, 3M Automotive Aftermarket Division personnel spoke with individuals in the EPA Office of Enforcement and Compliance Assistance (OECA), in order to seek clarification on the definition of a 3 oz cup under 40 CFR Part 63 – Subpart 6H.

We have received some questions from customers as to whether 40 CFR Subpart 6H requires application of coatings with the hand-held devices with the 3 oz or less paint cup capacity within a spray booth, to the extent that it is used in a shop/stationary location (in other words, a non-mobile application).

Per the requirements of 40 CFR Part 63, Subpart 6H, "[a]ll spray-applied coatings must be applied in a prep station or spray booth," 40 CFR Part 63, Section 63.11173(e)(2). As indicated above, however, the definition of "spray applied coating operations" exempts coatings applied with hand-held devices with 3 oz. or less paint cup capacity. Accordingly, use of 3M™ PPS™ 3 oz Lid & Liner exempts users from the need to perform touch-up or spot repair work within a spray booth.

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In further support of this conclusion, EPA's responses to comments as part of rule development indicate EPA's intent to exempt spray coating from spray guns with cup sizes limited to the 3 oz. design capacity. The comment and response to comment is as follows (emphasis added):

40 CFR Part 63, Subpart 6H
V. Summary of Comments and Responses, Section H. - Spray Booths (pg. 1753)

> *"Comment:* Several commenters stated that the EPA has understated the impacts of the proposed requirement to use a spray booth for all spray finishing operations. The commenters noted that EPA did not assign any costs to the requirement to use a spray booth because the EPA had assumed that spray booths would already be required in order to comply with OSHA standards for spray finishing operations under 29 CFR 1910.94(c). The commenters argued that OSHA standards require a spray booth only if certain exposure conditions are met, and these exposure conditions can be avoided with, for example, the use of waterborne coatings or outdoor spraying operations. Other examples of spray coating operations that can be conducted outside of a filtered spray booth in compliance with OSHA include automotive undercoating, areas of low coating use with adequate ventilation, powder coating, waterborne products, and touch-up and repair coating.
>
> *Response:* The EPA acknowledges that there are situations in which OSHA does not require surface coating to be performed in a filtered spray booth. That being noted, the rule was revised to clarify that the scope of the source category does not include miscellaneous surface coating operations if the coating being used does not contain the target HAP, facility maintenance surface coating and other architectural surface coating of stationary structures, powder coating and the **spray application of coatings from a spray gun with a cup size equal to or less than 3.0 fluid ounces (89 cc).** Given the clarified scope of the surface coating operations that are subject to the spray booth requirements in the final rule, the EPA believes that there is a substantial overlap between the operations that would be performed in a spray booth to comply with OSHA standards for spray finishing operations and those that would be required to do so by this rule. Therefore, the EPA does not believe that we have substantially underestimated the cost of the final rule."

Please contact Alonzo Knowles, 3M AAD Regulatory Compliance Associate, at 651-736-1911 if there are any additional questions.

Sincerely,

Hugh P. Stoll

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